

REMARKS

The Examiner is thanked for discussing the application with the undersigned on April 20, 2004. At that time, possible ways to overcome the rejection of the claims under the second paragraph of 35 USC 112 were explored. Claims 1 and 2 have been changed to read in the way it is believed the Examiner acknowledged properly to state that which applicants regarded as their invention and to overcome the first aspect of the indefiniteness rejection. The claims are changed to make it apparent absolutely that among the R^1 to R^{10} groups, R^1 and R^2 do not bond together; those moieties exist separately.

The Examiner stated further that claim 1 was indefinite because it was unclear as to the requirements for A, B, C, and D. Applicants respectfully disagree and point out that the purpose of the excluding clause in the claim is specifically to indicate what was not embraced within the scope of the claim. Thus, as the Examiner correctly notes, claim 1 specifies that the styryl compounds of that claim expressly exclude the instance where A and C are biphenyl groups.

The rejection of claim 1 under 35 USC 102 as anticipated by newly cited JP '238 is acknowledged. It is respectfully

submitted that claim 1 patentably distinguishes over the publication. The Examiner is thanked for her analysis in Section 9 of the Office Action of how claim 1 reads on the formula shown in the reference but applicants say that the claim as now worded patentably defines thereover. Claim 1 defines the styryl compounds therein in terms of both inclusion and exclusion; groups A to D are defined in terms of what they are and what they are not. A person reading JP '238 and familiar with the art would not be directed to or find anything in the reference that requires at least two of A to D to be $-Ar^1-Ar^2-$ but that A can C cannot be biphenyl and B and D cannot be phenyl. Claim 1 patentably defines over the reference.

In view of the foregoing revisions and remarks, it is respectfully submitted that the application is in condition for allowance and a USPTO paper to those ends is earnestly solicited.

Serial No. 09/943,578

The Examiner is requested to telephone the undersigned should further changes be required in the case prior to allowance.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

May 24, 2004
Date

Charles A. Wendel
Charles A. Wendel
Registration No. 24,453

CAW/ch

Attorney Docket No.: OHTN:004

PARKHURST & WENDEL, L.L.P.
1421 Prince Street
Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220